

**ASSEMBLY BILL**

**No. 1471**

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**Introduced by Assembly Member Eng**

February 27, 2009

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An act to add Article 6.95 (commencing with Section 20209.45) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, and to amend Section 215.5 of the Streets and Highways Code, relating to design-build procurement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1471, as introduced, Eng. Design-build procurement: Los Angeles County Metropolitan Transportation Authority.

Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system, including the development and implementation of a system of priorities for ranking the need for installation of noise attenuation barriers along freeways in the state. Under existing law, until January 1, 2010, the Los Angeles County Metropolitan Transportation Authority, in consultation with the department, is authorized to use a design-build procurement process for the construction of a specified high-occupancy vehicle lane in the County of Los Angeles.

This bill would authorize the Los Angeles County Metropolitan Transportation Authority to use a design-build procurement process for the construction of soundwalls, as defined, along any freeway or expressway that is located within the jurisdiction of the authority, as specified. The bill would make a conforming change to a related provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 6.95 (commencing with Section 20209.45) is added to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, to read:

Article 6.95. Design-Build Contracts for Soundwalls

20209.45. (a) The authority may utilize the design-build procurement method for the construction of soundwalls along any freeway or expressway that is located within the jurisdiction of the authority, so long as that construction comports with existing department design standards.

(b) For purposes of this article:

(1) "Authority" means the Los Angeles County Metropolitan Transportation Authority.

(2) "Department" means the Department of Transportation.

(3) "Design-build" means a procurement process in which both the design and construction of a project are procured from a design-build entity.

(4) "Design-build entity" means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(5) "Soundwall" means a wall constructed of concrete panels, masonry blocks, wood boards or panels, or other materials, that serves as a noise attenuation barrier, as that term is used in Section 215.5 of the Streets and Highways Code.

SEC. 2. Section 215.5 of the Streets and Highways Code is amended to read:

215.5. (a) The department shall develop and implement a system of priorities for ranking the need for installation of noise attenuation barriers along freeways in the California freeway and expressway system. In establishing a priority system, the department shall give the highest consideration to residential areas which were developed prior to the opening of the freeway. If alterations have been made to the freeway since its original opening which result in a significant and measurable increase in ambient noise levels, the opening date for that segment of the freeway, for the purposes of determining priorities under this section, is the

1 completion date of that alteration project. Other criteria for  
2 determining priorities shall include the existing and future intensity  
3 of sound generated by the freeway, the increase in traffic flow  
4 since the original construction of the freeway, the cost of building  
5 the soundwall in relation to the expected noise reduction, the  
6 number of persons living in close proximity to the freeway, and  
7 whether a majority of the occupants in close proximity to the  
8 freeway resided there prior to the time the freeway routing was  
9 adopted by the commission. The city or county in which the  
10 residential area is located shall be responsible for providing  
11 documentation to the department on the percentage of original  
12 occupants still residing along the freeway.

13 The actual cost of construction shall be used in determining the  
14 relative priority ranking of projects funded and constructed  
15 pursuant to subdivision (d).

16 (b) When all freeways have been ranked in priority order, the  
17 department shall, consistent with available funding, include in its  
18 proposed state transportation improvement program, a program  
19 of construction of noise attenuation barriers beginning with the  
20 highest priority.

21 In preparing the annual priority list, the department shall not add  
22 any new project to the list ahead of a project that has been funded  
23 by a city or county, or by any other public agency using public  
24 funds, and is awaiting state reimbursement pursuant to subdivision  
25 (d).

26 (c) The commission shall include in the estimate adopted  
27 pursuant to Section 14525 of the Government Code an annual and  
28 five-year estimate of funds estimated to be available for noise  
29 attenuation barriers along freeways. If any city or county constructs  
30 a noise attenuation barrier along a freeway pursuant to subdivision  
31 (d), the commission shall allocate funds for the project in the fiscal  
32 year the project would have been eligible for funding based on the  
33 department's priority list and the commission's fund estimate at  
34 the time of approval of the project pursuant to subdivision (d).

35 (d) If any city, county, or public agency constructs a noise  
36 attenuation barrier along a freeway using public funds prior to the  
37 time that the barrier reaches a high enough priority for state  
38 funding, then, when the funding priority is reached, the department  
39 shall reimburse the city, county, or public agency without interest  
40 for the cost of construction, but the reimbursement may not exceed

1 the cost of the department to construct the barriers. Reimbursement  
2 shall be made only if the city, county, or public agency constructs  
3 the noise attenuation barrier to the standards approved by *the*  
4 department, follows bidding and contracting procedures approved  
5 by the department *or as specified in Section 20209.45 of the Public*  
6 *Contract Code*, and the project is approved by the commission.

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